

## REMARKS

Applicants appreciate the courtesies extended to Applicants' representative during a telephonic interview with the Examiner on September 10, 2010. The following amendments and remarks are consistent with the substance of that interview.

Claims 13-14, 16, 18-19, 21-22, 24-27, 29, 31-32, 34-35 and 37-38, as amended, and new claims 39-41 appear in this application for the Examiner's review and consideration. Claims 13 and 26, the only independent claims, have been amended to recite a single centralized game server, a game that comprises integrated voice over internet protocol communication capabilities, identifying a plurality of groups of participant identifications based solely upon the maintained game state profiles, a plurality of geographically distributed audio mixers, establishing the audio paths based solely in response to the instructions sent from the game server and that each audio mixer separate from the game participants, game server and conference server.

New claims 39-41 have been added to recite that the game comprises a sports themed game, that at least one participant identification is simultaneously contained in at least two identified groups of participant identifications and the associated game participant participates simultaneously in at least two of the independent audio conferences based on single shared contexts within the game state profile that comprises attributes separate from physical proximity among game participants within the game environment and that the shared game context comprises attributes separate from physical proximity among game participants within the game environment.

Support for these amendments can be found in the specification and claims as originally filed, for example, in the specification on page 2, lines 2-3, page 3, line 26, page 4, lines 2-7, page 5, lines 6-7 and 26-28, page 6, lines 5-14, page 6, line 25 to page 7, lines 16 and 23, page 8, lines 24-25, page 10, lines 13-18, page 11, lines 1-4 and Fig. 1. As these amendments do not introduce any new matter into the present application, their entry at this time is warranted. Applicants request reconsideration and withdraw of all pending rejections based on the present amendments and the following remarks.

All pending claims were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,006,616 to Christofferson et al. ("Christofferson"). In the alternative, claims 13, 14,

16-19, 21-27, 29-32 and 34-38 were rejected under 35 U.S.C. § 103(a) as being obvious over Christofferson. It was asserted that Christofferson discloses all of the recitations of the claimed invention or render all of the recitations of the claimed invention obvious. Applicants request reconsideration and withdraw of these rejections for the following reasons.

Christofferson is directed to a teleconferencing bridge with edgepoint mixing that provides a separate mixing function for each participant in a conference for a high degree of end-user control in a conference. An audio mixer is provided for each participant, and based at least in part on the control streams, the audio bridge returns a separately mixed audio signal to each participant. The interface uses a packet-switched network such as an IP network. The visual interface includes a software program running on a PC such as an interactive gaming program. The participant's location within the virtual environment and the direction the participant is facing can be used in mixing the audio signal. Each participant is in direct communication with the audio-conference bridging system including the system control unit, which establishes the parameters of the conference and the audio bridging unit that includes the edgepoint mixers for providing the audio signals, *see* Figs. 2, 4 and 5. Although the audio-conference bridging system is discussed as being used in conjunction with an interactive gaming application (col. 20, line 56 – col. 21, line 3), there is no disclosure or discussion regarding the components of the interactive gaming system or how the audio-conference bridging system works in conjunction with the interactive gaming application.

The claimed invention has been amended to clarify that a single centralized game server is used and that the game that is hosted by the game server has integrated voice over internet protocol communication capabilities. The claims now recite a plurality of geographically distributed audio mixers and reinforce that the various components, participants, game server, conference server and audio mixers are separate and distinct components. The claims also state that the plurality of participants in a given group are identified based solely on the maintained game state, that solely the game server send instructions to the conference server and that the conference server establishes the audio conferences solely in response to instructions sent from the game server. Therefore, the present amendments reinforce the type of gaming system with integrated audio conferences that is a part of the claimed invention. These elements are not

disclosed or rendered obvious by Christofferson.

There is no disclosure in Christofferson of a game server and a separate conference server. In the present invention, the communication devices associated with the participants only communicate to the game server and receive audio from the audio mixer and do not send instructions directly to the conference server. As is illustrated in Figs. 2, 4 and 5 of Christofferson, participants or participant stations communicate directly with the conference servers, i.e., the audio-conference bridging system and the system control unit. In the claimed invention the conference server, in accordance with the game server instructions, creates an audio path between an audio mixer and the game participant communication devices. These are the audio paths that are used for the audio communications among participants. Therefore, the claimed invention is directed to a system that uses a game server that is separate from the conference server to control the audio conferences based upon the game state profiles of the game participants. Christofferson does not disclose a game server. Moreover, in Christofferson the audio conferences are initiated by the conference server in conjunction with requests and actions communicated directly from the participants. In the present invention, the participants do not send instructions to the conference server and are only in communication with the game server and the audio mixer. The game server solely initiates and controls the audio conferences as an integrated part of the gaming experience.

Although the audio-conference bridging system is discussed as being used in conjunction with an interactive gaming application (col. 20, line 56 –col. 21, line 3), there is no disclosure or discussion regarding the components of the interactive gaming system or how the audio-conference bridging system works in conjunction with the interactive gaming application.

As asserted in the outstanding Office Action, the system control unit 200 of Christofferson is the game server of the claimed invention, and the audio bridging unit 300 of Christofferson is the conference server. The claimed invention recites a plurality of geographically distributed audio mixers that are separate from the conference server, game server and game participants. As illustrated in Fig. 1 of Christofferson, the edge point mixers 310 are contained within the audio bridging unit 300 and are clearly not separate. In Christofferson, "each EdgePoint mixer 310 is a software process running on, or implemented as part of, the audio

bridging unit 300." (col. 5~ lines 45-47) In addition, Fig. 1 does not illustrate geographically distributed edge point mixers.

One skilled in the art given the disclosure of Christofferson would not be taught to modify the system of Christofferson to remove the EdgePoint mixers from the bridging unit and to use geographically distributed audio mixers as in the claimed invention. At best, Christofferson can be shown to suggest placing the EdgePoint mixers at the participant stations. However, such EdgePoint mixers would not be separate from the game participants as in the claimed invention. Moreover, Christofferson expressly teaches away from this type of distributed arrangement due to the undesirable system demands of such an arrangement. According to Christofferson, placing the EdgePoint mixers at the participants "would require, however, that all participant stations 110 broadcast their audio signal inputs 325 to those distributed EdgePoint mixers 310, which is likely to be inefficient without extremely high-speed connections among all participant stations 110. The advantage to having centralized EdgePoint mixers 310 is that each participant station 110 need only transmit and receive a single audio signal." (col. 8, lines 61-67)

Christofferson also fails to disclose an audio conference server that is configured to establish each audio conference solely in response to instructions from the game server. This element of the claimed invention provides for a system in which each participant only has to interface with and communicate with the single centralized gaming server that provides the desired network based gaming environment. This single centralized gaming server can maintain the game state of each participant and can initiate and control voice over internet protocol based audio conferences containing the game participants based on the generated and maintained game state profiles. The participants do not have to interface with or communicate with a separate audio conference server to provide the desired audio conference. All the necessary initiation and control is provided solely by the game server.

Christofferson does not disclose a suitable single centralized game server and a separate conference server that hosts the desired audio sessions containing the participants based solely on instructions from this single centralized game server. Christofferson clearly contemplates and teaches communication between participants and the audio bridging unit for the purpose of exchanging information needed by the audio bridging unit to host an audio session. The devices

used by the participants in Christofferson include "device(s) that can, alone or in combination, communicate effectively with both the system control unit 200 and the audio bridging unit 300 ..." (col. 7, lines 24-27) In Christofferson, the "audio bridging unit 300 includes the EdgePoint mixers 310 and is generally responsible for receiving incoming audio signals 325 from, and outputting separately mixed signals 330 to, the participant stations 110." (col. 8, lines 19-22) In Christofferson, "each of the participant stations 110 establishes an audio connection with the audio bridging unit 300 and communicates the appropriate SID." (col. 11 lines 43-46) The SID is a session identifier that is used in establishing an audio session to correlate incoming audio signals and to apply the appropriate mixing parameters. According to Christofferson in column 5, lines 3-13:

EdgePoint mixing is much more flexible. Each participant 20 transmits his/her media stream 60 to the conference bridge 50. The conference bridge 50, however, includes a separate EdgePoint mixer 70 for each participant 20. In addition, each participant transmits a control stream 80 to the audio bridge 50. Based at least in part on the control streams 80, the audio bridge 50 returns a separately mixed audio signal to each participant 20. Because each participant's control stream 80 is likely to be distinct, each participant 20 is able to enjoy a distinct and fully tailored conference experience.

Therefore, Christofferson fails to disclose or teach all of the elements of the claimed invention as currently recited in claims 13 and 16. All of the other claims depend either directly or indirectly from claim 1 and are patentable over Christofferson at least for the same reasons given above with regard to claims 13 and 26. In addition, the dependent claims contain additional recitations that further define the claimed invention over Christofferson.

New claims 39 and 41 depend from claim 13 and include recitations not found in Christofferson. Claim 13 recites that the game comprises a sports themed game. Claim 40 recites that at least one participant identification is simultaneously contained in at least two identified groups of participant identifications and the associated game participant participates simultaneously in at least two of the independent audio conferences based on single shared contexts within the game state profile that comprises attributes separate from physical proximity among game participants within the game environment. Similarly, claim 41 recites that the shared game context comprises attributes separate from physical proximity among game participants within the game environment.

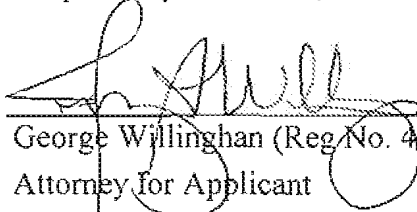
There is no such teaching in Christofferson. In Fig. 8 of Christofferson, all of the participants shown in the display are part of the same audio conference. Entry into another audio conference involves selecting a link to another location, e.g., Hawaii. This will terminate participation in the audio conference associated with the current location. Moreover, all of these conferences in Christofferson are location or physical proximity based. Christofferson does not teach simultaneous participation in multiple independent audio conferences based on attributes in the game state profiles that are separate from physical proximity as currently recited in the new claims. Christofferson mentions muting, for example, inappropriate language at the request of one of the participants located in the physical region of the audio conference. However, this is an audio muting or audio mixing function and is not the establishment of a separate and independent audio conference.

Applicants assert that all claims are now in condition for allowance, early notification of which is respectfully requested. As the total number of claims as amended is less than the number of claims as originally filed, no fees are believed due for the submission of this amendment. No other fees are believed due.

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Respectfully submitted,



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